

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

vs.

13-mj-9

DAVID J. RENZ,

Defendant.
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Transcript of *Detention Hearing* held on
January 11, 2013, at the James Hanley Federal Building,
100 South Clinton Street, Syracuse, New York, the
HONORABLE ANDREW T. BAXTER., United States
Magistrate Judge, Presiding.

A P P E A R A N C E S

For Government: OFFICE OF THE UNITED STATES ATTORNEY
P.O. Box 7198
100 South Clinton Street
Syracuse, New York 13261-7198
BY: TAMARA THOMSON,
Assistant U.S. Attorney

For Defendant: OFFICE OF THE FEDERAL PUBLIC DEFENDER
The Clinton Exchange
4 Clinton Square
Syracuse, New York 13202
BY: JAMES F. GREENWALD, ESQ.

Eileen McDonough, RPR, CRR
Official U.S. Court Reporter
100 S. Clinton Street
Syracuse, New York 13260
(315) 234-8546

1 THE CLERK: Case is United States of America
2 versus David J. Renz; 13-mj-9. Counsel, please note your
3 appearance for the record.

4 MS. THOMSON: Tamara Thomson on behalf of the
5 United States.

6 MR. GREENWALD: James Greenwald for David
7 Renz.

8 THE COURT: Ms. Thomson, I understand from our
9 conference that the government's position with respect to
10 detention has changed in light of the Pretrial Services
11 report.

12 MS. THOMSON: That's correct, Your Honor.

13 THE COURT: So, Mr. Renz, notwithstanding the
14 very serious nature of the charges that you're facing and
15 what we have learned about your juvenile record, the
16 government is prepared to agree to your condition of release,
17 and I'm going to follow that recommendation and the
18 recommendation of Pretrial Services.

19 But I want you to understand that we are going
20 to set some very strict conditions with respect particularly
21 to your use of the computer and your contact with minors.
22 And I am just very, very serious that I am going to tolerate
23 no departures from those conditions, because the Court,
24 frankly, has concerns about your release, and so you need to
25 make sure you take these conditions very seriously and that

1 you don't do anything, in spite of your obvious skills with
2 computers, to try to get around those conditions. All right?

3 So, the first thing you need to understand is
4 that you're going to be supervised by a Pretrial Services
5 officer. That officer is there both to make sure that you
6 succeed on the conditions of your pretrial release, but also
7 to hold you accountable to those conditions. So, it is
8 critically important that you cooperate fully with your
9 Pretrial Services officer.

10 Secondly, you're going I think -- you expect
11 to lose your job at Wegmans and, frankly, given the number of
12 minors who work at Wegmans, I don't think that's a good place
13 for you to work, but you'll need to look for alternative
14 employment. And consult with Pretrial Services so they have
15 some input and have a comfort level that the job that you
16 find is consistent with the conditions of release and
17 minimizes any unsupervised contact with minors.

18 You'll need to surrender your passport to the
19 Clerk of the Court and not obtain a substitute passport.
20 Your travel will be restricted to the Northern District of
21 New York, which is a 32 county area in Upstate and Northern
22 New York going as far as Albany and some of the counties
23 south of Albany to Auburn, not as far as Rochester or
24 Buffalo. You'll get a little map that shows those counties.
25 If you have any reason that you need to travel beyond those

1 confines, you need to check with Pretrial Services first or
2 have your attorney make a request to the Court to permit
3 travel.

4 You're going to need to remain at an
5 authorized address, the authorized address, and if for
6 whatever reason you need to relocate, then you need approval
7 of the Court or at least Pretrial Services.

8 Are you going to live with your mom, is that
9 the plan?

10 THE DEFENDANT: I believe so, yes.

11 THE COURT: So, you need to -- basically, for
12 whatever reason that situation has to change, then you need
13 to consult with Pretrial Services and not just move somewhere
14 else without prior permission.

15 You need to refrain from any excessive use of
16 alcohol. It is also -- there is not an appearance of any
17 substance abuse issues with you, but obviously you need to
18 not commit other state, local or federal crimes, which would
19 include possession or use of any illegal controlled
20 substances. The defendant is staying at Jamesville?

21 MARSHAL: No, sir, Cayuga.

22 THE COURT: Can he be released from here?

23 MARSHAL: Yes.

24 THE COURT: Okay, thank you. You will be --
25 you're going to have a curfew that will require you to be

1 home between 9 p.m. and 7 a.m. If for whatever reason, your
2 job, that requires some variation in the schedule, we will
3 work that out through Pretrial Services. Your curfew is
4 going to be monitored by electronic monitoring and you need
5 to make sure that you don't do anything to try to tamper or
6 interfere with that pretrial monitoring, and under certain
7 circumstances your finances allow you maybe to defray some of
8 the costs of electronic monitoring. If you have any contact
9 with law enforcement, you need to report that within 72 hours
10 to Pretrial Services. So, a stop for traffic ticket or any
11 contact with law enforcement, you need to report to Pretrial
12 Services.

13 Now, with respect to computers, you basically
14 are not going to be able to use any computer or access the
15 Internet except to the extent that computer has got a
16 monitoring program that is installed by the Probation Office.
17 We've talked about various alternatives. I know your mom has
18 a computer in her home that she uses for business, and after
19 considering the various alternatives, we're going to require
20 that the monitoring software be put on that computer. I also
21 understand that your brother is home for a couple of weeks on
22 school break. You're not allowed to use your brother's
23 computer. You're not allowed to go to the library to use a
24 computer. Basically, you can not access the Internet except
25 on a computer which has this monitoring software on there.

1 All right?

2 Now, I understand you know computers and there
3 may be ways around some of these things, but trust me, you
4 know, if we have any whiff of the fact that you're trying to
5 defeat the monitoring software or using a computer elsewhere
6 or doing anything to circumvent the monitoring, then you're
7 going to have a problem with me.

8 You also shall not subscribe to any Internet
9 service without the approval of Pretrial Services. So,
10 basically, to the extent -- I would suggest, frankly, you
11 stay off the Internet as much as possible, but to the extent
12 you use it, it's only on an approved computer and only with
13 the monitoring software.

14 You also need to avoid unsupervised contact
15 with any people under the age of 18. And so your choice of
16 employment is going to be determined to some extent on
17 whether minors are going to be frequenting that place or
18 working at that place. And you also shall not frequent
19 places where people under the age of 18 are likely to
20 congregate. That would include schools, parks, video
21 arcades, that sort of thing. The idea is to minimize
22 whatever risk there may be to minors that you would come in
23 contact with.

24 Do you understand all those conditions?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: And you're prepared to abide by
2 them?

3 THE DEFENDANT: Yes, I am.

4 THE COURT: Trust me, I am deadly serious that
5 any deviations of any of these conditions, you're going to
6 find yourself back here and likely be back in jail. I know
7 that you have family here. I know this is a difficult and
8 uncomfortable thing for you, but you need to understand that
9 your son, if he is going to remain at liberty while these
10 charges are being addressed, is to comply with all these
11 conditions. So I ask you to, notwithstanding the
12 difficulties involved, to help him make sure he abides by all
13 those conditions and not enable him in any way to violate
14 those conditions.

15 Do you have any questions?

16 THE DEFENDANT: No, sir.

17 THE COURT: So you're going to sign some
18 paperwork which shows the conditions of your release. You'll
19 get a copy of that. You're going to be released from here
20 and then you'll need to work with Pretrial Services to get
21 this monitoring set up at your mom's house so that can be
22 accomplished before the end of the day today.

23 Anything further?

24 MR. GREENWALD: If the Court please, I've
25 explained to Mr. Renz his rights with regard to a preliminary

1 hearing, and after consultation we're prepared to waive a
2 preliminary hearing at this time.

3 THE COURT: So, I will find that the defendant
4 has knowingly and voluntarily waived his right to a
5 preliminary hearing. So, upon execution of the release
6 paperwork, the defendant may be released on the conditions
7 set forth. Court is adjourned.

8 * * *

C E R T I F I C A T I O N

I, EILEEN MCDONOUGH, RPR, CRR, Official Court Reporter in and for the United States District Court, Northern District of New York, DO HEREBY CERTIFY that I attended the foregoing proceedings, took stenographic notes of the same, and that the foregoing is a true and correct transcript thereof.

A handwritten signature in cursive script, reading "Eileen McDonough", positioned above a horizontal line.

EILEEN MCDONOUGH, RPR, CRR
Official U.S. Court Reporter